

Shocking Callousness and Neglect

: A report on an industrial accident and its aftermath

Peoples Union for Democratic Rights (Delhi)
August 2011

Thirteen workers were burnt to death in a factory in south Delhi's Tuglaqabad area on 25 January 2011. However, six months after the event, as this report goes to press, little has been done to compensate workers, leave alone arrest those responsible for these deaths. This short report is a look at the systemic inequalities that govern the lives (and deaths) of millions of dispossessed workers and the hugely unjust structure of the informal labour market in globalizing India.

The Accident

On 25 January 2011, at five thirty in the evening, a deadly fire broke out in a factory named 'Amazing Creations' in Gali number 8, Tuglaqabad. Newspaper reports informed us of the bare facts of the case and that postmortems had been conducted of the dead workers while the injured had been lodged in Safdarjung Hospital. As the news of this event faded from public memory, we at PUDR felt that such accidents in factories affect the poorest sections of Indian society, while the government and factory owners face little or no flak for their cavalier attitude towards fellow citizens. Also, given PUDR's long standing interest and experience in studying the working conditions of the informal sector in Delhi, we decided to conduct an independent fact finding into this incident. PUDR visited the factory, met injured workers, family members of deceased workers, labour department officials and the investigation officer of the Delhi Police responsible for this case. As in several previous occasions, for example, in Okhla in 1999 and in Vishwash Nagar in 2006, we found widespread violations of minimum rules and regulations, not to mention a severe lack of responsible behavior both by the Labour Department and by the factory owner (see also box on accident in Peeragarhi in this report).

'Amazing Creations' was an export-oriented garment unit and produced readymade clothes. Located in a residential zone, up to 200 workers cut, stitched and washed clothes in this five storey building. This, of course, begs the question as to how such a large factory could operate in the middle of a residential area with such impunity.

According to the FIR, the fire occurred on the fifth floor of the factory when a boiler burst. Curiously, all the people we spoke to in the neighbourhood said that they did not hear any blast, though the collapsed roof of the factory does suggest that an explosion of some kind did occur. The FIR also lists sections 287 (**Negligent conduct with respect to machinery**), 337 (**Causing hurt by act endangering life or personal safety of others**), 338 (**Causing grievous hurt by act endangering life or personal safety of others**) and 304A (**Causing death by negligence**)

of the IPC and accuses the factory owner of criminal negligence. The fact is this case of negligence would never have emerged if the Labour Department, the police and the factory owner had simply followed the word of law. No one has been arrested so far, more than six months after the event, either for negligence or for the criminal act of causing the deaths of thirteen people.

When the PUDR team visited the site, the factory was found sealed and a notice by the Labour Department listing the names of the dead and injured was pasted on the factory gate. The notice cited the Workmen's Compensation Act 1923 and said that the dead workers' families would be paid Rs 5 lakhs, while the injured could claim Rs 50000 as compensation. The notice listed thirteen dead and six injured persons along with their addresses. During PUDR's investigation, it emerged that victims remained unaware of the existence of compensation or the Labour Department's notice.

As the factory was sealed, the PUDR team decided to speak directly to the families of the victims listed on the Labour Department's notice on the factory gate. Most workers seemed to have lived within a couple of kilometers of the factory site, either in Tuglaqabad village itself or in the slum clusters surrounding it such as Bengali Colony and Chudiya Mohalla. More specific information could not be collected about the workers as we found the thekedars' mobile phones switched off.

Ten killed in factory fire in Peeragarhi

Ten workers were charred to death in a fire at a shoe factory in the Udyog Vihar area of Peeragarhi in west Delhi on 27 April 2011. This is the second fire in a factory within three months in Delhi. Both newspaper reports as well as eye witnesses we spoke to said that the factory remained locked all through the fire. We also found out that the factory owner Naresh Singhal had not received a NOC from the Fire Department in spite of which he was running this factory. How was a factory without a NOC from the Fire Department operating in a certified industrial zone? Secondly, the cutting and pasting of shoes involves the use of highly inflammable substances. But, like in Tuglaqabad, there was no fire-fighting equipment in this factory which handled such highly inflammable substances. The regular inspection of the use of dangerous substances is the job of the Labour Department. Second, just like in Tuglaqabad, the police has registered a case of criminal negligence against the factory owner. Only sections 287 (Negligent conduct with respect to Machinery) and 336 (Act endangering life or personal safety of others) of the IPC have been included in the FIR.

The Fact-finding

PUDR first visited the house of a deceased woman worker of Amazing Creations, Suman Devi. Suman Devi was from Tejpur village in Munger district of Bihar. We found her house locked and her neighbour, Seema, who is also her sister in law, informed us that Suman Devi's husband had returned to their village. As this lady began speaking to PUDR, several other women from the colony gathered around and shared information about Suman Devi with us.

Suman Devi had been married for five years to Fantoosh, himself a plaster of paris worker. She had been working at the factory for two and a half months, and the women told us that she worked from 9 in the morning to nine at night in the factory. There was a half hour break at 1 pm and a fifteen-minute break in the evening for tea. She was paid Rs 140 as daily wages.

Next we spoke to Madhuri, who worked on the ground floor of Amazing Creations and escaped the fire. She told us that none of the workers had received any ID cards, a must under the law. The workers were paid their monthly wages on the 10th of each month. She also said that about 22 to 25 workers worked on each floor of the factory. On the day of the fire, she says that clothes were being washed on the fifth floor and some jari work was being conducted. Suddenly, she realized that people were running out of the ground floor. Madhuri too ran out and was injured on her head and hands in the process. But according to her, several workers who were on the higher floors of the factory could not escape and were burnt to death. Madhuri also said that she had not been paid January's wage, though she had worked there till the 25th, the date of the fire.

We next visited the house of Lalita Devi, another deceased woman worker, but found it locked. The neighbors told us that Ramlakhan, her husband, had gone out for the day for his job. Again, with the help of the neighbourhood women, we managed to meet one injured worker, Rizwan, next.

Rizwan is twenty years old and had been working in the factory for three months. Rizwan was severely burnt all over his body as he was on the fifth floor of Amazing Creations on the day of the accident. He too said clothes were being washed on the fifth floor that day. Apparently, a powder that was added to the wash emitted fumes that made everyone working on the floor fall unconscious. Rizwan says that when he woke up, he realized that he had been burnt all over.

Rizwan told us that about 200 people worked in this factory. He

List of dead and injured

S.No.	Name	Father's/Husband name	Age	Died/injured	Address
1	Shabbo	D/o Hamid	18	Died	H.No. A-74/13, Chhuria Mohala, Bangali Colony, TKD Vill. Delhi
2	Suman Devi	W/o Phantoosh	20	Died	Gali no. 17, Chhuria Mohala, TKD Vill. Delhi
3	Anita	W/o Ajay kumar	20	Died	F- 302, Dakshin puri, new delhi
4	Hasen	S/o Salim	22	Died	Vill. Bada vikram, PS Jahanabad, Distt. Pilibhit, U.P.
5	Alam	S/o Khilil ahmad	27	Died	Vill. Kalwaha, N.D
6	Guri Shankar	S/o Joginder Prasad	35	Died	Vill. Majahiyam, Sitapur, U.P
7	Amir	S/o Taskeem	19	Died	E-12/66 B, Hauz rani, Malviya nager.N.D
8	Mukthiar	S/o Sadeeq Ahamed	22	Died	Vill.Baramill, PO Jahanabad, Distt. Pilibhit, U.P.
9	Md. Nizamuddin	S/o Jamil but in FIR Munna master written	18	Died	Harpal singh ka Makan Gali No. 15, TKD Vill. Delhi
10	Lalita devi	W/o Ram lakhani	35	Died	Gali No.5 Chhuria Mohala, TKD Vill. Delhi
11	Atul	S/o Bihari Lal	17	Died	Vill.Bada vikram, PS Jahanabad, Distt. Pilibhit, U.P.
12	Rahees	Md. Idris	18	Died	Dapanpuri, Sitapur, U.P.
13	Rizwan	S/o nanhe lal	22	Injured	Vill. Bada vikram, PS Jahanabad, Distt. Pilibhit, U.P. Or CB-222, Ring Road, Naraina Delhi
14	Rizwan	S/o Kallu	20	Injured	TKD vill.
15	Smiriti	D/o Daulat ram	21	Injured	Mahipalpur, Delhi
16	Basanti/Baijanti	W/o Dulal	40	Injured	Gali.no 06, Chhuria Mohala, TKD vill. Delhi
17	Tasleem	S/o Sabir	16	Injured	Vill. Ghangosha
18	Muktseed Ahmad	S/o Wali Ahmad	18	Injured	155, Vill Bahiriya, Purnia wali masjid, Pilibhit, U.P
19	Md. Shamim	S/o Munna Master	27	Injured than Died	E-12/61 Hauz rani, Malviya nager, Delhi

himself worked from nine in the morning to nine at night, like Suman Devi. Rizwan, however, was paid Rs 220 as daily wages. For working overtime at night, he said workers were paid an extra Rs 20 per hour. Additionally, he revealed that the factory had neither fire-fighting equipment nor any other means to deal with accidents.

Rizwan's father, Kalu, had no idea about the notice on the factory gate listing the injured and the dead and did not know anything about compensation. Though Rizwan's name was on the Labour Department's list, the police who had earlier told Rizwan's father that he would get some 'paisa', that is, compensation, had not informed them of the notice. This is especially difficult because Rs 400 to 500 has to be spent on changing Rizwan's dressing every few days. Proving the pathetic access of medical treatment to the poor, we found that Rizwan's dressing was being changed by the compounder of the hospital where Rizwan had been treated, that is, Safdarjung. And for this untrained service, the compounder charged the family about Rs 500! Rizwan's father also said that 'Munna', the factory owner, and his 'friend', Bobby, visited the injured workers in the hospital and told them and their families to not reveal anything to the police. They also handed over Rs 2000 to 3000 to the injured workers. However, when the factory was sealed, Munna refused to give them any more money and claimed that the sealing was the result of the workers 'talking' to the police. This is probably why Madhuri is yet to receive her wages for January.

Finally, we met Jamil, the father of eighteen-year-old, dead worker Mohammad Nizamuddin. Jamil revealed that Nizamuddin had just begun working in the factory for three or four months. He too was unaware of the compensation notice.

To complete our investigation, the PUDR team went to the Delhi South District's Labour Department office, but could not meet the regional labour inspector, who is the one in charge of conducting checks and investigations of factories in the Tuglaqabad region. We did speak to a lower official who informed us that the factory was located in a non confirming zone. He also told us that the Labour officials could not enter the factory following the accident to conduct their investigation because it had already been sealed by the police! As a result, the Labour Department simply listed the dead and injured workers and pasted the notice about compensation that we had seen on the factory gate. The labour officials simply seemed to have collected the names of the deceased and injured workers without much investigation. The official also told us that the factory owner had been sent a notice about the compensation, but had not responded. The department was now waiting to send their second notice to the factory owner before launching any court proceedings.

When PUDR asked the Labour Department official why it had been so lax in monitoring the factories in this area, we were told that the Department *cannot* act unless a worker complains about a violation. The official also informed us that following a circular, no inspections had been conducted for the last six months.

The circle of injustice

There is nothing new to be said about the state of informal workers in the Indian economy. However, every incident that causes the deaths of these workers, on whose backs the Indian economy grows, should force us to rethink the systemic injustices that workers in this sector face.

Representing the poorest sections of the Indian population and driven to cities by distress migration caused by the increasing unprofitability of agriculture, these nameless millions work long hours and receive barely a small section of the minimum wages due to them. While the state has attempted to bring informal sector workers into the ambit of the law through the Unorganized Worker's Social Security Act 2008, we have a long way to go as a society in recognizing the gross injustices that are routinely practiced in the treatment of the poor of our nation. The Indian state has consistently turned a blind eye to workers' rights, under pressure from industrial lobbies such as the CII and the FICCI who consider the antiquated laws for industrial labour too stifling for unrestrained growth. Secondly, the organs of state practice, such as the Labour Department and the police, operate to maintain, rather than reform the system.

What else can explain the desperate inefficiency of the Labour Department which remains unaware of the operation of illegal industrial units in residential zones and simply pastes a notice on a sealed factory gate asking workers' families to claim compensation? Is it not the responsibility of the Labour Department and police to make sure that illegal factories do not operate in non industrial zones? Instead, Labour Department officials throw up their well fed hands in helplessness, saying that they are unable to make any independent decisions without workers complaining of violations. It is only a matter of detail to note that under section 9 of the Factories Act 1948, it is the responsibility of the Labour Department to check the use of hazardous substances in factories (see box on accident in Peeragarhi in this report).

Another aspect that needs to be noted is how FIRs of these events accuse factory owners of negligence, a far lower crime than the deaths of thirteen people justifies. As if to prove this, the Investigating

Officer for this case informed us that no progress has been made on this case six months following the event.

But more alarming is the attitude of factory owners towards those they exploit and underpay in order to make profits. Under Section 7 of the Factories Act 1948, the responsibility of workers' health, protection, cleanliness and welfare rests with the principal employer, the factory owner. But the almost complete control of *thekedars* or contractors over the labour market has meant that in contravention of the law, factory owners have abdicated their responsibilities towards workers. Secondly, contractualization has meant that workers are unable to unionize and seek any collective representation of their interests. Attempts at unionization in larger factories often meet violent ends, such as what occurred at the Graziano unit in Noida, or are crushed following the heavy deployment of police, such as what occurred in the recent strike at the Maruti plant in Manesar. Does this not mean that the state does take independent decisions when the affected party is the factory owner?

Our society too simply considers workers as less than human, simply as bodies that operate machines. Is this because they are too poor to matter to the market and too poor to fight for their rights? Consider the facts of the Tuglaqabad case: workers here had 12-hour working days, with barely a total of an hour's break through the day. Women workers seem to have been paid significantly lower wages per day than men workers, who of course were themselves paid well below the minimum wage. The overtime wages are even more abysmal---- -Rs 20 for each hour of labour. In addition to these gross violations, workers did not have mandatory welfare cards or identity cards. If the workers had no ID cards, how can we be sure if all the dead and injured were listed?

The question we need to ask ourselves is, why do the deaths of these thirteen workers in Tuglaqabad and ten others in Peeragarhi mean so little to our city, society, state and law? Powered by the labour of migrants and of the poorest sections of the city's population, the rapidly expanding informal sector exposes the neglect that millions of workers face and represents the failure of contemporary India's economic and development policies.

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